



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
Miami Regulatory Office  
11420 N. Kendall Drive, Suite 104  
Miami, Florida 33176

Miami Field Office

**PUBLIC NOTICE**

Permit Application No. 200305253 (IP-RK) **OCT 21 2004**

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act as described below:

APPLICANT: Mark Chilluffo

WATERWAY & LOCATION: The project is located 500± west of the Sugar Loaf Channel, on a vacant lot east of 19421 Canal Drive, within the Perez Subdivision of the Summerland Key Quad, on Lot 33, in Section 25, Township 66 South, Range 27 East, Sugar Loaf Key, Monroe County, Florida. (MM±19)

PROPOSED WORK: The applicant has seeks authorization to place 225± cubic yards of fill over a 6,000± square foot area in order to construct a single family residence with appurtenant structures (drain field, retention swale, driveway) within waters of the United States.

Existing Conditions: This lot does not have open water access. A Department of Environmental Protection's site assessment noted salt marsh fringe rush (*Fimbristylis castanea*), saw grass (*Cladium jamaicense*), buttonwood (*Conocarpus erectus*), swamp flatsedge (*Cyperus ligularis*), marsh fleabane (*Pluchea rosea*), frogfruit (*Phyla nodiflora*), and bristly foxtails (*Serataria geniculata*) and brazilian pepper (*Schinus terebinthifolius*). Corps field staff has not verified the site conditions.

Basic Purpose: The basic purpose of this project is to construct a single-family residence.

Overall Purpose: The overall purpose is to provide living amenities for a property owner on Sugarloaf Key, Monroe County, Florida.

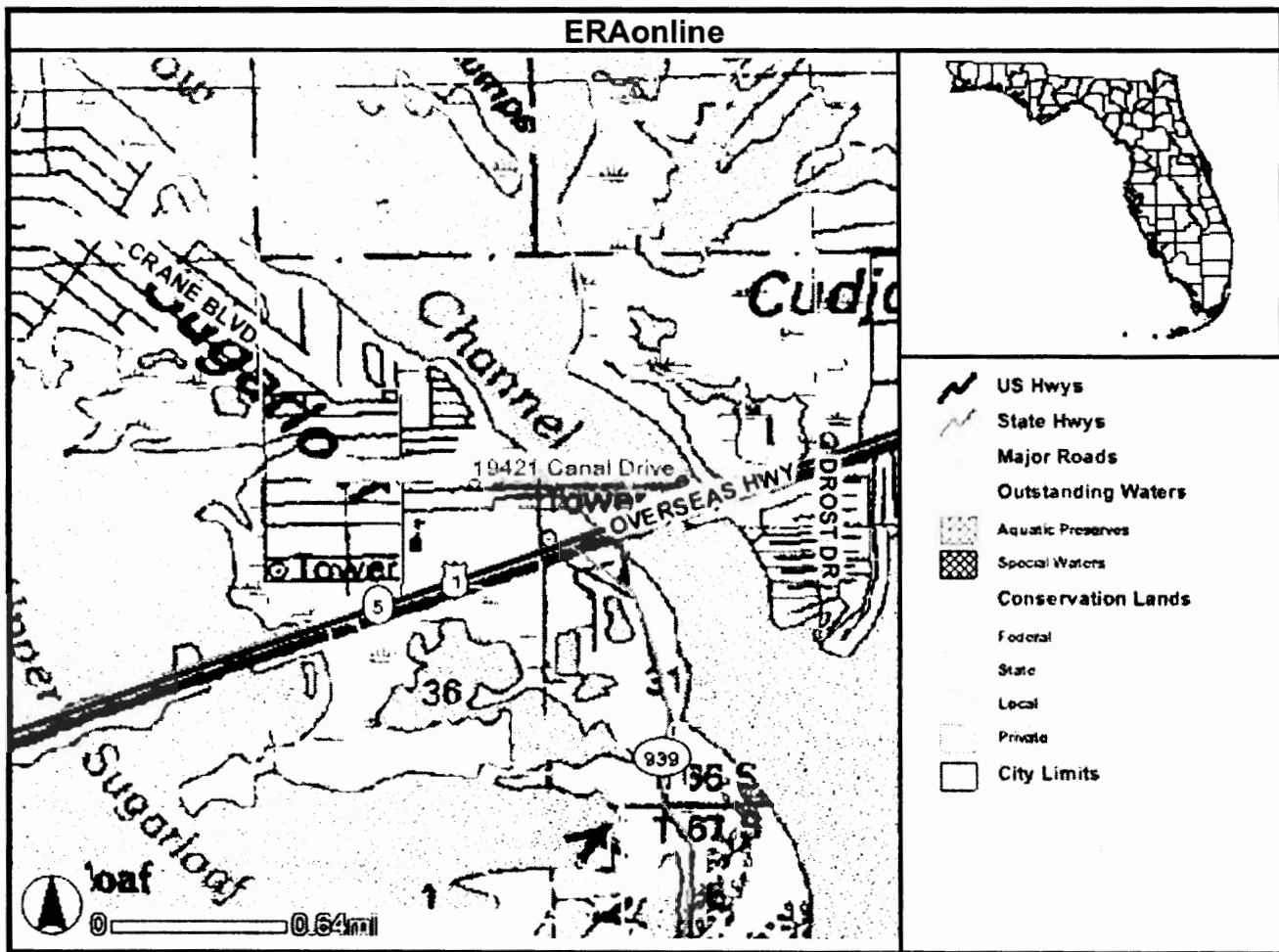
Endangered Species: The Corps of Engineers has made a determination that the proposed work will have no affect on the West Indian Manatee in accordance with the revised Manatee Key

dated January 2, 2001. The Corps has made the determination that the project may affect, but is not likely to adversely affect the Lower Keys Rabbit (*Sylvilagus palustris hefneri*), the Rice Rat (*Oryzomys palustris natator*) or the Key Deer (*Odocoileus virginianus clavium*). The Corps will request informal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973 for concurrence with the determinations on the Lower Keys Rabbit, the Rice Rat, and the Key Deer via separate correspondence.

Essential Fish Habitat (EFH): This coordination letter initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal could impact approximately 6,000± square feet of wetland resources considered essential habitat for Federally managed fisheries and associated species as identified by the South Atlantic Fishery Management Council. The Corps has determined that the proposed fill and construction **may substantially impact** EFH. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

Keys Mitigation Index Guidelines (MIG): As part of the evaluation of this project, a functional assessment for resource impacts utilizing the mitigation index guidelines established for the Florida Keys will be performed.

If you have any questions or concerns regarding the issuance of this permit, please contact Robert Kirby at the letterhead address, by telephone at 305-274-1035, by fax at 305-526-7184, or by electronic mail at Robert.J.Kirby@saj02.usace.army.mil within 30 days.

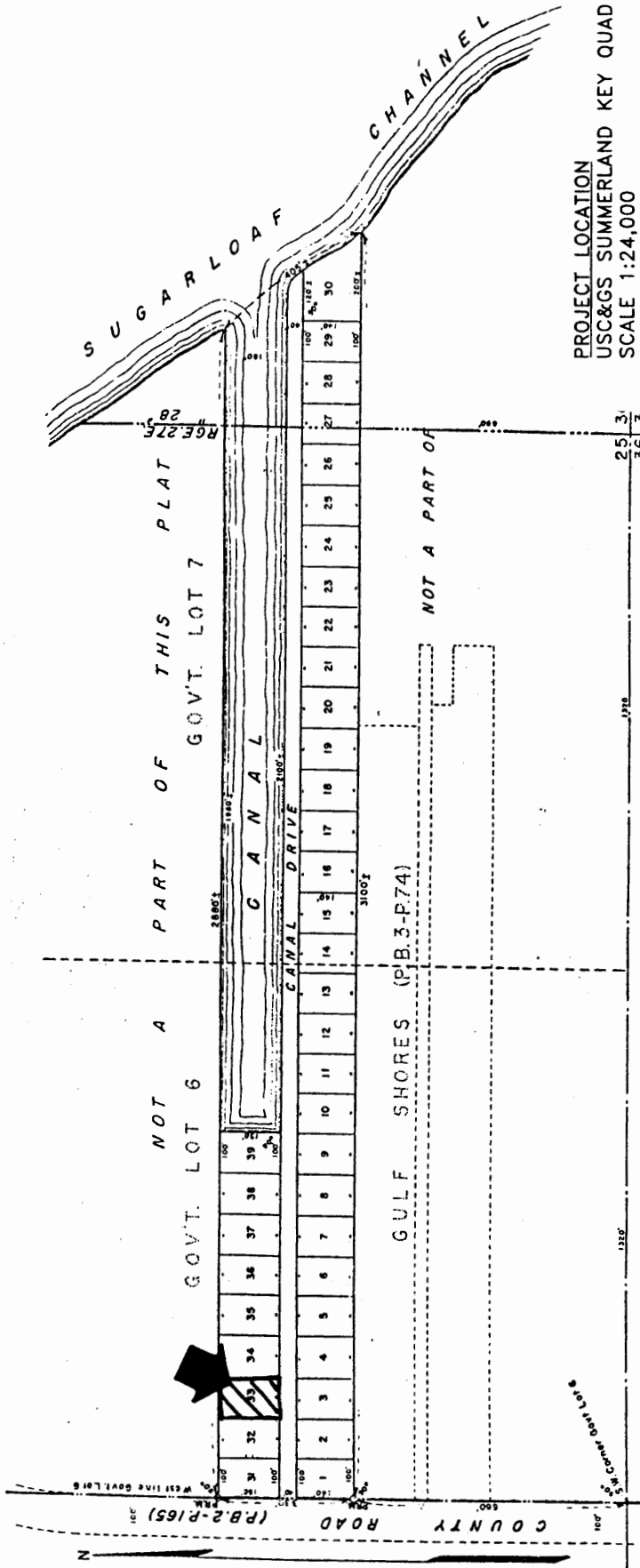


US ARMY CORPS OF ENGINEERS

SEP 23 2004

MIAMI REGULATORY OFFICE <sup>145</sup> 200305253  
 COE #: \_\_\_\_\_  
 PROJECT MANAGER: \_\_\_\_\_ <sup>R. hy</sup>

SCALE IN FEET  
0 50 100 150 200 250 300 350 400 450 500  
C.B. BAILEY, REGISTERED LAND SURVEYOR  
MARATHON - FLORIDA



**PROJECT LOCATION**  
USC&GS SUMMERLAND KEY QUAD  
SCALE 1:24,000  
LOT 33, PEREZ SUBDIVISION,  
P.B. 3, PG. 147  
SEC. 25, TWP. 66S, RGE. 27E  
LAT: 24°39'50" N LONG: 81°31'48" W

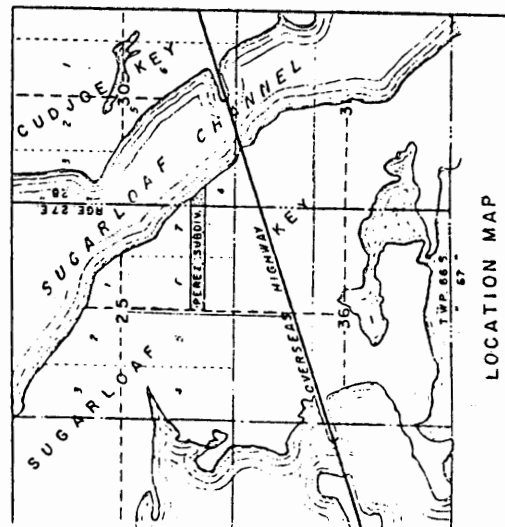
**DIRECTIONS:**  
U.S. HIGHWAY NO. 1 SOUTH TO MM 19.5±.  
RIGHT @ CRANE BOULEVARD. RIGHT @  
CANAL DRIVE.  
PROJECT SITE: VACANT LOT ON LEFT BETWEEN  
19421 & 19461 CANAL DRIVE.

**ADJOINING OWNERS:**  
DOROTHEA I. DELGADO  
(LOT 32)  
19421 CANAL DRIVE  
SUGARLOAF KEY, FL 33042  
  
MARK R. PALMER  
(LOT 34)  
19461 CANAL DRIVE  
SUGARLOAF KEY, FL 33042

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SEP 28 2004

MIAMI REGULATORY OFFICE  
GOE #: 200305253  
PROJECT MANAGER: Kody



LOCATION MAP

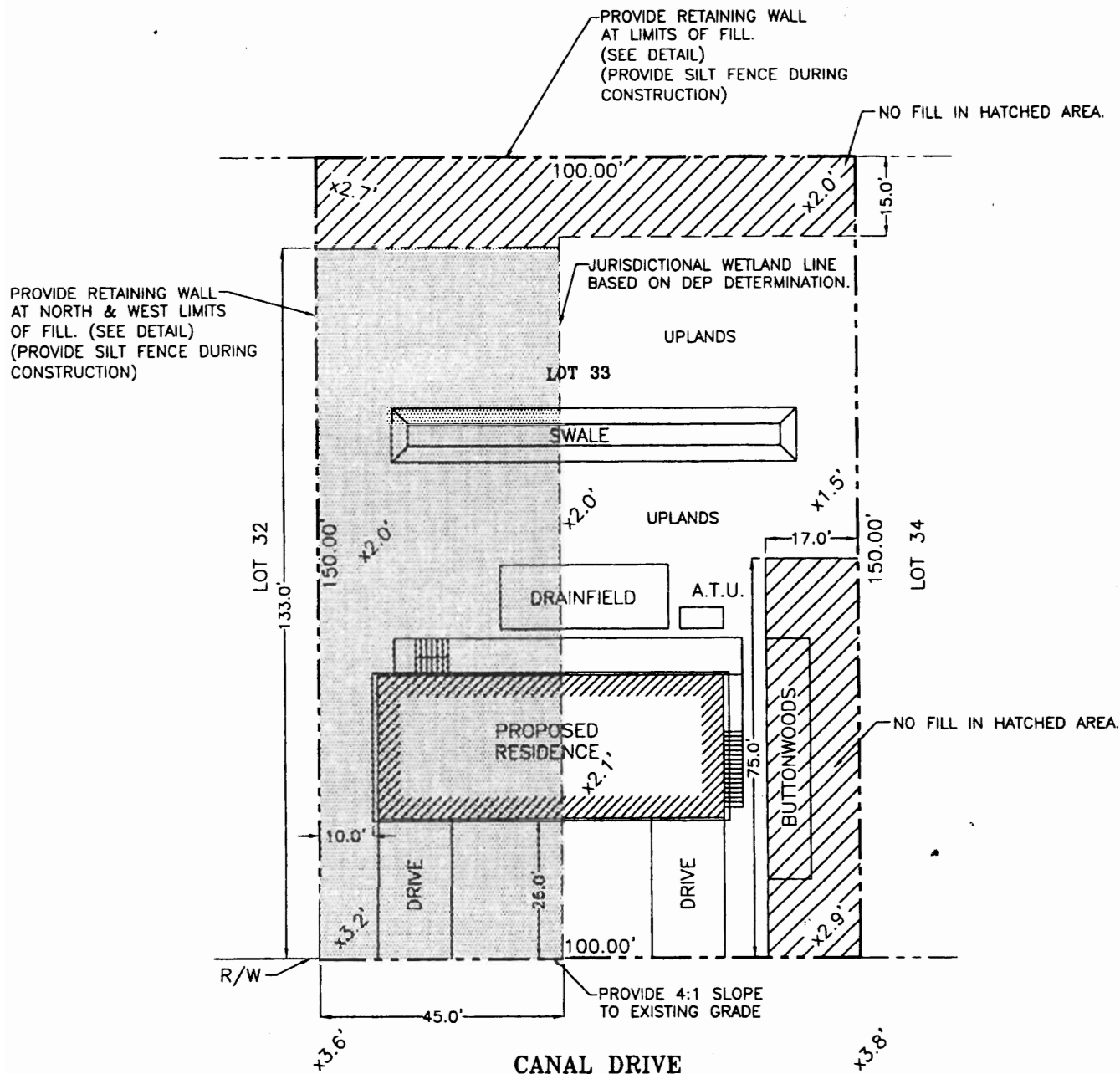
**REVISIONS:**


**LOCATION & VICINITY MAP**  
SCALE: AS SHOWN

FILL FOR SINGLE FAMILY RESIDENCE FOR  
MARK CHILLUFFO  
LOT 33, PEREZ SUBDIVISION, SUGARLOAF KEY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061  
6807 OVERSEAS HIGHWAY, MARATHON, FL 33050  
Telephone (305) 743-9121 Fax (305) 743-9197

DATE: 05/06/03



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SEP 28 2004

SITE PLAN

SCALE: 1" = 30'



MIAMI REGULATORY OFFICE

COE #:

PROJECT MANAGER:

3015  
20305253  
K.J.

REVISIONS:

1	05/25/04
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FILL FOR SINGLE FAMILY RESIDENCE FOR  
MARK CHILLUFFO  
LOT 33, PEREZ SUBDIVISION, SUGALOA KEY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061

5600 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050

Telephone (305) 743-9121 Fax (305) 743-9197

Email: glenboe@bellsouth.net

DATE: 05/08/03

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SHEET 2 OF 4

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM  
SITE ASSESSMENT REPORT**

**APPLICANT:** Mark Chilluffo **FILE NO:** 44-215141-001

**MAILING ADDRESS:** P.O. Box 1517, Key West, Florida, 33041

**WATERBODY:** Freshwater Wetland

**COUNTY:** Monroe

**LOCATION OF PROJECT/ACTIVITY:** The proposed project site is located on Sugarloaf key, the north side of Canal Drive, the third lot east of the intersection of Canal and Crane. Lot 33, Perez subdivision The Monroe County parcel I.D. number is 00172000-000000. Monroe County, Section 25, Township 66 South, Range 27 East.

**AQUATIC PRESERVE:** N

**IS PROJECT/ACTIVITY IN OFW:** N

**NAME OF AQUATIC PRESERVE:** N/A

**WATERBODY CLASSIFICATION:** Class III

**ADJACENT WATERBODY NAME:** N/A

**ADJACENT WATERBODY CLASSIFICATION:** N/A

**DATE OF SURVEY:** November 18, 2003

US ARMY CORPS OF ENGINEERS

**STAFF MEMBER:** George Kenny

SEP 28 2004

**ACCOMPANIED BY:** Beth Bergh

MIAMI REGULATORY OFFICE

COE #:

PROJECT MANAGER:

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200305253  
K. J.

**Project/Activity Description:**

This project proposes to clear and fill 0.17 acres ( 7,575 square feet) of land with wetlands for a single-family residence. The entire lot is 0.34 acres (15,000 sq. ft.). The total area proposed to be filled is 13,725 square feet utilizing approximately 500 cubic yards of fill.

**General Description of Project Area:**

The proposed project site is located on Sugarloaf key, the north side of Canal Drive, the third lot east of the intersection of Canal and Crane. Lot 33, Perez subdivision The Monroe County parcel I.D. number is 00172000-000000. According to the Monroe County property appraiser record card this site does not currently have a physical address. The east half of the lot appeared to be previously disturbed and is infested with invasive

exotic vegetation. Large trash items and piles of vegetative debris and rocks were observed scattered around the east side of the site. The west half of the lot does not appear to be disturbed, but does have some exotic

#### **Biophysical Characteristics of the Project/Activity Site:**

The west half of the lot was observed to be wetland. The invasive exotic plant species Brazilian Pepper (*Schinus terebinthifolius*) was observed on the site. Several species of obligate and facultative wet plants were observed on site such as: Salt Marsh Fringe Rush (*Fimbristylis castanea*) OBL, Saw Grass (*Cladium jamaicense*) OBL, Buttonwood (*Conocarpus erectus*) FACW, Swamp Flatsedge (*Cyperus ligularis*) FACW, Marsh Fleabane (*Pluchea rosea*) FACW, Frogfruit (*Phyla nodiflora*) FACW, and Bristly Foxtails (*Setaria geniculata*) FAC.

Thick algal mats were observed in low-lying areas throughout the lot. Caprock was observed exposed at the surface a below the soil surface approximately 1 –2 inches deep.

#### **Expected Impacts of the Project/Activity:**

Impacts to wetlands on the site from filling the 0.17 acres (approximately 7,575 square feet) for the housepad, septic system, and driveway will be permanent. All proposed construction activities will be confined to the permanent impact area. Silt screening will be installed around the perimeter of the permanent impact area during construction and until all slopes are stabilized. Any wetland functions, wildlife habitat and the hydrology of the site will be permanently altered from the proposed impacts from filling. Impacts from filling will also affect the surface water sheet flow to the surrounding lots. A 17' x 75' (1,275 square foot) area of buttonwoods in the south east corner of the property will be avoided to prevent any impacts from construction.

#### **MITIGATION:**

The applicant proposes to mitigate for the 0.17 acres (approximately 7,575 square feet) of wetland impact by making a monetary donation to the Florida Keys Environmental Trust Fund in the amount of \$ 6,514.50 for 7,575 square feet of offsite wetland restoration. The amount of mitigation was calculated using a 1 : 1 ratio for offsite mangrove restoration.

#### **RECOMMENDATIONS:**

I recommend that the Department issue a Standard General permit based on the mitigation that has been proposed above and the construction practices that have been noted in the narrative and in the site plan.

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PROJECT MANAGER:

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**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division